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**FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 24, 2010**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Brackett, Cameron, Coiner, Malepeai, Schroeder, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Logan Cartwright, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 23, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Coiner, Malepeai, and Stegner were recorded present at this order of business.

February 24, 2010

The JUDICIARY AND RULES Committee reports that [S 1383](#), [S 1384](#), [SCR 122](#), [SCR 123](#), [SCR 124](#), and [SJM 105](#) have been correctly printed.

DARRINGTON, Chairman

[S 1383](#) and [S 1384](#) were referred to the Judiciary and Rules Committee.

[SCR 122](#), [SCR 123](#), [SCR 124](#), and [SJM 105](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2010

The JUDICIARY AND RULES Committee reports that [S 1253](#), [S 1254](#), and [S 1255](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1253](#), [S 1254](#), and [S 1255](#) and ordered them transmitted to the House for the signature of the Speaker.

February 23, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1294](#) was delivered to the Office of the Governor at 1:45 p.m., February 23, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 23, 2010

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Janice B. Vasser to the Idaho Transportation Board, term to expire January 31, 2016.

MCGEE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2010

The TRANSPORTATION Committee reports out [SCR 121](#) with the recommendation that it do pass.

MCGEE, Chairman

[SCR 121](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2010

The HEALTH AND WELFARE Committee reports out [S 1335](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1335](#) was filed for second reading.

February 23, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 471](#) and [H 472](#) with the recommendation that they do pass.

HILL, Chairman

[H 471](#) and [H 472](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Cameron was recorded present at this order of business.

February 23, 2010

Dear Mr. President:

I transmit herewith [HJM 11](#), [H 477](#), [H 484](#), [H 494](#), [H 446](#), and [HJR 4](#), which have passed the House.

ALEXANDER, Chief Clerk

[HJM 11](#), [H 477](#), [H 484](#), [H 494](#), [H 446](#), and [HJR 4](#) were filed for first reading.

February 23, 2010

Dear Mr. President:

I return herewith [SP 102](#), which has passed the House.

ALEXANDER, Chief Clerk

[SP 102](#) was ordered filed in the office of the Secretary of the Senate.

February 23, 2010

Dear Mr. President:

I return herewith [S 1297](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1297](#) was referred to the Judiciary and Rules Committee for enrolling.

February 23, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 38](#), [HJM 10](#), [H 451](#), [H 452](#), [H 453](#), and [H 390](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 38](#), [HJM 10](#), [H 451](#), [H 452](#), [H 453](#), and [H 390](#) and ordered them returned to the House.

February 23, 2010

Dear Mr. President:

I return herewith Enrolled [S 1302](#) and [S 1307](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1302](#) and [S 1307](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Brackett and Schroeder were recorded present at this order of business.

The President announced that [SCR 120](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stegner, seconded by Senator Malepeai, [SCR 120](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SCR 118](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Senator Malepeai, [SCR 118](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment

of Anna Jane "Janie" Dressen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Kelly, the Gubernatorial appointment of Anna Jane "Janie" Dressen as a member of the Commission on Pardons and Parole was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Mike Matthews was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Kelly, the Gubernatorial appointment of Mike Matthews as a member of the Commission on Pardons and Parole was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Harold W. Davis was before the Senate for final consideration, the question being, "Shall the report be adopted?"

Pursuant to Senate Rule 39(H), Senator Davis disclosed a possible conflict of interest under applicable law.

On motion by Senator Mortimer, seconded by Senator Kelly, the Gubernatorial appointment of Harold W. Davis as a member of the State Building Authority was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[HJM 11](#), by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 477](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 484](#) and [H 494](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 446](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HJR 4](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1353](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1342](#), by Resources and Environment Committee, was read the second time at length and filed for third reading.

[S 1370](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1365](#), by Education Committee, was read the second time at length and filed for third reading.

[S 1317](#) and [S 1331](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1347](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 29.

NAYS—Bock, Kelly, LeFavour, Malepeai, Stennett (Stennett), Werk. Total - 6.

Total - 35.

Whereupon the President declared [S 1347](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1367](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1367](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1252](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,

Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1252](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1320](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1320](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[H 382](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 382](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 443](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 443](#) passed, title was approved, and the bill ordered returned to the House.

[H 421](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 421](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:01 p.m. until the hour of 10:30 a.m., Thursday, February 25, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary